



**DEPARTMENT OF AGRICULTURE
STATE OF NEW MEXICO**

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Susana Martinez

Governor

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Secretary

February 19, 2016

**Mr. Doug Haywood
Bureau of Land Management
1800 Marquess Street
Las Cruces, New Mexico 88005**

RE: Copper Flat Copper Mine Draft Environmental Impact Statement

Dear Mr. Haywood:

New Mexico Department of Agriculture (NMDA) submits the following comments on the Bureau of Land Management (BLM) Copper Flat Copper Mine Draft Environmental Impact Statement (DEIS) 80 FR 74794-74795.

One part of NMDA's role is to provide proactive advocacy and promotion of New Mexico's agricultural industries. NMDA understands the need to develop mineral resources such as copper to meet current and future mineral demands. However, we are concerned about the potential impacts that developing the Copper Flat Copper Mine would have on local residents, most notably the impacts on ranching operations.

Our comments focus primarily on the impacts that groundwater pumping for mining activities will have on other water users within the vicinity of the mine. In addition, NMDA is concerned with BLM's analysis of impacts mining operations will have on range and livestock conditions.

GROUNDWATER RESOURCES

The operation of the copper mine will require significant use of water resources, which will be pumped from the mine's four production wells located within the Palomas Basin roughly 8 miles east of the mine. Under the proposed action, the mine is expected to remove some 60,278 acre feet of water from the aquifer during the life of the mine. We are concerned about the effects of removing such a large amount of water from the aquifer and the impacts of these reductions on other water users. According to the DEIS, "Impacts to groundwater are expected to be significant at times in certain locations" (pg. 3-67). While it is noted there will be impacts to groundwater, NMDA posits the DEIS is not specific enough in addressing those impacts to other groundwater stakeholders such as community, stock watering, and irrigation water users.

Furthermore, the DEIS states:

The quantity of water identified in Table 3-20a as discharge from flowing wells is a reduction in flow that would otherwise potentially contribute to the Rio Grande, and thus would add to the Rio Grande impacts. The reduction in flow would reduce the supply of water to irrigated land in the artesian zone. In turn, this would result in reduction in irrigated acreage, or replacement of the lost irrigation supply by pumping of the artesian wells, or a combination of the two. The effects of possible irrigation replacement pumping are *discussed separately* (emphasis ours) (pg. 3-73).

Where are the effects *discussed separately* in the DEIS? There are several analyses missing from the discussion on impacts to irrigated lands. In order to complete a robust EIS, NMDA asserts that a full analysis of all impacts to natural resources must be conducted.

The DEIS should also analyze the impacts a drop in the water table will have on livestock, domestic, and community supply groundwater wells in addition to the lost irrigation supply. The DEIS states, "Impacts to individual private wells, other than artesian wells, are not simulated in the model. Drawdowns can impact pumping costs and well yield" (pg. 3-80). NMDA asserts that a much more thorough analysis is required to understand impacts on nearby private groundwater wells from mining. Private well impacts can include additional electricity costs from pumping at deeper water levels and even the necessity of having to drill deeper wells to access water. NMDA insists the DEIS analyze the full economic impacts associated with the cost of replacing all reductions in water flow.

NMDA acknowledges the responsibility, because of their statutory authority, that BLM places on New Mexico Environment Department and the New Mexico Office of the State Engineer (OSE) "to require mitigation of impacts that are judged unacceptable in accordance with New Mexico regulations" (pg. 3-97) as well as the OSE's role in determining the extent to which drawdowns may impair existing wells. However, because water is such an important resource, NMDA requests that BLM further analyze how impacts of potential drawdowns will impair existing water sources as well as the mitigation measures that may be required prior to making any decision regarding the Copper Flat Copper Mine.

SOILS

The possibility of negative impacts of pollution in the surrounding landscape to livestock and wildlife from mining dust and the use of pit water as a dust suppressor is of great concern. The DEIS states, "If pit water is used for dust suppression, high TDS, sulfates, metals, etc., contained in the water would contaminate soils. Such impacts could range from negligible to moderate depending on contaminant concentrations" (pg. 3-111). Deterioration of soil fertility as a result of dust suppression by using pit water could greatly harm the affected environment and reduce local ranchers' ability to produce livestock. NMDA requests that BLM analyze the extent to which soil and vegetation would be harmed by mine dust and pit water. We further request that BLM analyze if pollution contamination from mining dust and pit water will have any effect on livestock and wildlife health.

RANGE AND LIVESTOCK

The proposed action will have adverse consequences for grazing use of BLM land on allotments in the project site, particularly the Copper Flat Ranch allotment. The loss of 725 acres of grazing land within the project area amounts to approximately 6 percent of the Copper Flat Ranch allotment as

stated in the DEIS. We disagree with BLM's assessment that impacts of this nature are of a "small (limited) extent" because "Surface disturbance associated with mineral development and forage use by livestock would result in cumulative effects over a larger area than is analyzed in this document" (pg. 4-10). Any reduction in forage has the potential to cause the allotment permittee to reduce the number of animals on the allotment or change their grazing plan.

We also request a clarification on two contradicting statements in the DEIS on pages 3-213 and 3-214. The DEIS states, "The BLM has determined that this further reduction in surface acres does not warrant a decrease in permitted use" and "an adjustment (reduction) to permitted AUMs for this allotment may be necessary" (pgs. 3-213 and 3-214, respectively). Both statements reference the Copper Flat Ranch allotment, and it is not clear to the reader whether or not a reduction in permitted use will be necessary. Because there has already been a reduction of 18 animal units as a result of the 1999 Copper Flat EIS to account for the development of the Quintana mine, there should be some type of mitigation and/or compensation measures to the affected ranching operations that bear a disproportionate burden of the impacts.

NOXIOUS WEEDS

NMDA acknowledges the commitment by BLM and the New Mexico Copper Corporation in the proactive approach to control noxious weeds. We reiterate the importance of the control of noxious weeds and invasive species. To that point, "Whenever the [NMDA] director becomes aware of the presence of noxious weeds on public land, he shall inform the governmental entity of the species found on land under the entity's jurisdiction. When possible and practicable, the director shall consult with the governmental entity in developing a management plan for the control of the noxious weeds."¹ NMDA requests to remain involved in the process of noxious weed control and eradication. For additional information regarding noxious weeds in New Mexico, please regularly visit: <http://www.nmda.nmsu.edu/apr/noxious-weed-information/>.

CONCLUSION

Thank you for the opportunity to submit comments on the Copper Flat Copper Mine DEIS. NMDA requests to be included in any updates or mailing lists associated with the Copper Flat Copper Mine.

Please contact Mr. Marshal Wilson at (575) 646-4941 or mwilson@nmda.nmsu.edu with any questions regarding these comments.

Sincerely,



Jeff M. Witte

JMW/mw/ya

¹Noxious Weed Management Act – Article: 7D, 76-7D-6. Landowners; rights; agreements. Available at: <http://www.nmda.nmsu.edu/apr/noxious-weed-information/>.